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The Honorable Timothy W. Dore
Chapter 7

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

NO. 22-10852-TWD

HOUSTON CURRY WADE,

Debtor.

WILLIAM NELSON,

Plaintiff,

v.

HOUSTON CURRY WADE,

Defendant.

Adversary Case No.

COMPLAINT OBJECTING TO
DISCHARGE OF DEBT

Creditor William Nelson (hereafter "Plaintiff"), creditor to the Bankruptcy of Houston Curry Wade, hereby brings this complaint as an objection to the discharge of debt of Debtor Houston Curry Wade, and alleges as follows:

I. PARTIES

1.1. Plaintiff William Nelson is an individual, domiciled on Bainbridge Island, Washington.

1.2. Defendant/Debtor Houston Curry Wade ("Debtor") is a debtor before this Court as a result of a voluntary Chapter 7 filed on May 24, 2022.

COMPLAINT OBJECTING TO DISCHARGE OF DEBT - 1

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II. JURISDICTION AND VENUE

2.1. The bankruptcy court has jurisdiction over this adversary proceeding pursuant to the provisions of 28 U.S.C. §§ 1334 and 157. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(B) and (I) & 11 U.S.C. § 523.

2.2. Venue for this adversary proceeding is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2.3 This Complaint is timely filed, as permitted under 28 U.S.C. §§ 1334 and 157.

III. FACTS

3.1. On September 27, 2021, Judge William C. Houser of Kitsap County Superior Court entered a Findings of Fact, Conclusions of Law, Judgment and Permanent Injunction against the Debtor. Specifically, the Court made certain findings of fact that Debtor engaged in a series of willful and malicious conduct, which caused damages to Plaintiff Nelson, and concluded, as a matter of law, that Debtor's conduct constituted defamation per se. As such, the Court entered judgment in favor of Plaintiff Nelson and against Debtor in the principal amount of \$500,000.00. Additionally, Debtor was required to pay for Plaintiff Nelson's attorney's fees, for a total judgment amount of \$503,000.00, accruing at 12% interest. Attached hereto as **Exhibit A** is a true and correct copy of the September 27, 2021 Findings of Fact, Conclusions of Law, Judgment and Permanent Injunction, which is incorporated herein by reference as if fully set forth herein.

3.2. The Permanent Injunction permanently enjoined Debtor from making or publishing the following false and defamatory statements: (1) Plaintiff Nelson raped a woman in Fort Ward community; (2) Plaintiff Nelson engaged in a coverup with the Bainbridge Fire Department of said rape; (3) a "victim" of Plaintiff Nelson, Elizabeth Kaltreider, committed

1 suicide as a result of his actions; (4) Plaintiff Nelson engaged in illegal conduct at a
2 “speakeasy”; (4) Plaintiff Nelson conspired with Bainbridge Island Police Department; and (5)
3 Plaintiff Nelson committed domestic violence against his former spouse.

4 3.3. The September 27, 2021 Findings of Fact, Conclusions of Law, Judgment and
5 Permanent Injunction was based, in part, on an April 6, 2020 Ruling on Plaintiff Nelson’s
6 Motion For: Order of Default and/or Finding of Contempt, and Award of Attorneys’ Fees and
7 Costs Under CR 37 against Debtor. Attached hereto as **Exhibit B** is a true and correct copy of
8 the April 6, 2020 Ruling on Plaintiff’s Motion For: Order of Default and/or Finding of
9 Contempt, and Award of Attorneys’ Fees and Costs Under CR 37, which is incorporated herein
10 by reference as if fully set forth herein.

12 3.4. The April 6, 2020 Ruling found, among other things, that Debtor failed to make
13 “a reasonable attempt to provide adequate responses to [Plaintiff Nelson’s] discovery requests”
14 despite multiple extensions provided to him, and the Court held him in contempt of Court. In
15 addition, the Court found that Debtor’s “willful disregard of a court order and the
16 administration of justice is further demonstrated by [Debtor’s] brazen and unwillingness to
17 answer truthfully at his deposition regarding his communications” with certain witnesses.

19 3.5. Plaintiff Nelson objects to the Debtor’s discharge based on the conduct described
20 above and on the grounds stated below.

21 **IV. FIRST CAUSE OF ACTION – NON-DISCHARGEABLE DEBT UNDER**
22 **11 U.S.C. § 523(A)(6)**

23 4.1. Plaintiff Nelson realleges and incorporates by reference all allegations set forth
24 above.

25 4.2. Pursuant to §523(a)(6) of the United States Bankruptcy Code, a debt incurred by

1 a debtor who engages in willful and malicious conduct, which results in damages, shall be
2 nondischargeable. Here, Debtor engaged in willful and malicious conduct, which caused
3 damages to Plaintiff Nelson.

4 4.3. The acts of Debtor constitute willful and malicious conduct, such that Debtor's
5 obligation to Plaintiff Nelson should be deemed nondischargeable pursuant to the provisions
6 of 11 U.S.C. § 523(a)(6).

7 4.4. As a direct and proximate result of Debtor's willful and malicious conduct,
8 Plaintiff Nelson has suffered damages in the amount of \$503,000.00 (plus 12% interest), which
9 should be exempted from discharge in the Debtor's bankruptcy.
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11 **V. RELIEF REQUESTED**

12 WHEREFORE, the Plaintiff Nelson asks the Court for the following relief:

13 5.1. That this Court enter an order and judgment determining the obligations of Debtor
14 to Plaintiff Nelson are non-dischargeable pursuant to the provisions of 11 U.S.C. §523(a)(6);

15 5.2. For an award of attorney fees as allowable by law in an amount the Court
16 determines to be reasonable; and

17 5.3. For such other and further relief as this Court deems just and equitable under the
18 circumstances.
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1 DATED this 25th day of August, 2022.

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3 /s/ Paul K. Friedrich, WSBA #43080
4 Paul K. Friedrich, WSBA #43080
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11 *Attorneys for Plaintiff/Creditor William Nelson*

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DATED this 25th day of August, 2022.

Attorneys for Plaintiff/Creditor William Nelson